

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
CARLOS H. MCKENSI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. _____
	)	
BANK OF AMERICA, N.A.,	)	
	)	
Defendant.	)	
_____	)	

**NOTICE OF REMOVAL**

TO: The Honorable Judges of the United States District Court for the District of  
Massachusetts

Pursuant to 28 U.S.C. §§ 1441 *et seq.*, Defendant Bank of America, N.A., successor by merger to LaSalle Bank National Association, as trustee under the Pooling and Servicing Agreement dated as of December 1, 2006, GSAMP Trust 2006-HE8 ("Bank of America") hereby removes the action captioned Carlos H. McKensi v. Bank of America, N.A., MICV2009-04040, now pending in the Massachusetts Superior Court, Middlesex County, to the United States District Court for the District of Massachusetts. In so doing, Bank of America states the following:

1. On or about October 19, 2009, the plaintiff, Carlos H. McKensi ("McKensi"), filed an action in Massachusetts Superior Court, Middlesex County, seeking, among other things, to enjoin a foreclosure sale on property located in Everett, Massachusetts. The Superior Court granted McKensi's motion for a temporary restraining order the same day and scheduled a hearing on McKensi's motion for preliminary injunction for October 29, 2009. Two days later,

on October 21, 2009, Bank of America was served with the complaint. By mutual agreement, the parties continued the hearing on the preliminary injunction to a date in early December 2009. According to the state court docket, no other proceedings have occurred. A copy of all papers served on Bank of America are attached hereto as Exhibit A.

2. In his complaint and its exhibits, McKensi appears to allege that he obtained two loans, in the combined balance of approximately \$490,000, that were in violation of G. L. c. 183C, the Massachusetts Predatory Home Loan Practices Act. He alleges that these loans “contain violations of various Federal loan and credit statutes.” *See* Exhibit A, Complaint, ¶ 12. In his Chapter 93A demand letter (to parties other than Bank of America), which is attached to and incorporated into his complaint, he declares that these loans are “unenforceable.” *See* Exhibit A, Complaint, Exhibit 1, Chapter 93A Demand Letter, ¶ 3. As part of his complaint, he seeks a declaration as to the parties’ rights and liabilities on these two mortgage loans. *See* Exhibit A, Complaint, Request for Relief, ¶ 2.

3. McKensi identifies himself as a resident of Massachusetts. *See*, Exhibit A, Complaint, ¶ 1. He identifies Bank of America as a resident of North Carolina *See* *Id.*, ¶ 2.

4. As a result, this Court has original subject matter jurisdiction over this action on the basis of 28 U.S.C. § 1332, as there is complete diversity of citizenship between McKensi and Bank of America, and because the matter in controversy exceeds \$75,000.

5. In addition, McKensi alleges that Bank of America violated “various Federal loan and credit statutes” although he fails to identify these particular statutes. *See* Exhibit A, Complaint, ¶ 12. Therefore, this Court also has original subject matter jurisdiction over this claim on the basis of 28 U.S.C. § 1331, as it is a cause of action arising under the Constitution,

laws, or treaties of the United States. The Court has supplemental jurisdiction over the remaining claims of McKensi's complaint on the basis of 28 U.S.C. § 1367.

6. Pursuant to 28 U.S.C. § 1446, Bank of America's notice of removal is timely as it is filed within thirty (30) days of receipt of the complaint.

7. Pursuant to 28 U.S.C. § 1446, a copy of this Notice of Removal is being filed with the Massachusetts Superior Court.

8. Pursuant to Local Rule 81.1, Bank of America will file certified or attested to copies of all papers that have been filed in Superior Court.

**WHEREFORE**, Bank of America respectfully requests that the above action now pending against it in the Middlesex County Superior Court in the Commonwealth of Massachusetts be removed therefrom to this Court.

BANK OF AMERICA, N.A., as Trustee  
By its attorneys,

/s/ Joseph Calandrelli  
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Dated: November 12, 2009

CERTIFICATE OF SERVICE

I, Joseph Calandrelli, certify that a true and accurate copy of the foregoing document was filed through the Court's ECF system this 12th day of November, 2009. I further certify that a true and accurate copy of the foregoing document was sent by first-class mail, postage prepaid to all parties to this action on November 12, 2009.

/s/ Joseph Calandrelli